

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SANTA FE AUTO INSURANCE
COMPANY, INC.,

Plaintiff,

v.

LARRY A. BLACK,

Defendant.

2:12-CV-1598-LRH-VCF

ORDER

This is a *sua sponte* order from the court concerning the court's jurisdiction to hear the underlying action.

On October 20, 2011, defendant Black was involved in an auto accident while within the course and scope of his employment with non-party JRC Restaurants, LLC. At the time of the accident Black was insured under an automobile policy issued by plaintiff Santa Fe Auto Insurance Company, Inc. ("SFAIC"). After the accident, plaintiff SFAIC filed the underlying complaint for declaratory relief against Black on the basis of diversity jurisdiction. Doc. #1.¹

On January 25, 2013, the court issued an order to show cause why the complaint should not be dismissed for lack of jurisdiction as it appeared on the face of the complaint that the amount in controversy did not satisfy the jurisdictional prerequisite of \$75,000. *See* Doc. #10. On March 15, 2013, plaintiff filed a response to the court's order in which plaintiff recognized that the amount in

¹ Refers to the court's docket number.

1 controversy had not been satisfied and that the complaint had been filed in federal court in error.
2 *See* Doc. #14. However, also on March 15, 2013, plaintiff filed a notice of order of rehabilitation
3 that stayed this action for a period of time. Doc. #13.


4 The court has reviewed the order of rehabilitation and stay and finds that the stay in this
5 action was only for ninety (90) days. *See* Doc. #13. As more than ninety (90) days have elapsed
6 since the order of rehabilitation went into effect, the court finds that the stay is no longer valid and
7 shall be lifted. Further, as plaintiff recognizes that the court is without diversity jurisdiction over
8 this action, the court shall dismiss plaintiff's complaint.

9
10 IT IS THEREFORE ORDERED that the stay entered in this action on March 13, 2015 is
11 LIFTED.

12 IT IS FURTHER ORDERED that plaintiff's complaint (Doc. #1) is DISMISSED for lack of
13 jurisdiction.

14 IT IS SO ORDERED.

15 DATED this 13th day of August, 2015.

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18 LARRY R. HICKS
19 UNITED STATES DISTRICT JUDGE
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